

Senate Bill No. 1551

CHAPTER 448

An act to amend Section 1418.4 of the Health and Safety Code, relating to long-term care facilities.

[Approved by Governor September 13, 2000. Filed
with Secretary of State September 14, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1551, Dunn. Long-term care facilities: family councils.

Existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, prohibits a licensed skilled nursing facility or intermediate care facility from prohibiting the formation of a family council, as defined, and requires that the family council shall be allowed to meet in the facility during mutually agreed upon hours, upon the request of a member of a facility resident's family or the representative's responsible party. The existing act includes classifications for violations of its provisions, and sets forth penalties therefor, including the issuance of citations and the assessment of civil penalties under specified circumstances.

This bill would revise the above provisions relating to family councils, including requiring that a family council be allowed to meet at least once a month in the facility, and replacing references to a resident's "responsible party" or "agent" with the term "representative." The bill would also impose specified requirements on the facility with respect to responding to requests resulting from family council meetings, and notification of meetings. This bill would provide that violation of the bill's provisions relating to family councils would constitute a class "B" violation, as defined by a specified provision of the act.

The people of the State of California do enact as follows:

SECTION 1. Section 1418.4 of the Health and Safety Code is amended to read:

1418.4. (a) No licensed skilled nursing facility or intermediate care facility may prohibit the formation of a family council, and, when requested by a member of the resident's family or the resident's representative, the family council shall be allowed to meet in a common meeting room of the facility at least once a month during mutually agreed upon hours.

(b) Facility policies on family councils shall in no way limit the right of residents, family members, and family council members to meet independently with outside persons, including members of

nonprofit or government organizations or with facility personnel during nonworking hours.

(c) “Family council” for the purpose of this section means a meeting of family members, friends, or representatives of two or more residents to confer in private without facility staff.

(d) Family councils shall also be provided adequate space on a prominent bulletin board or other posting area for the display of meeting notices, minutes, newsletters, or other information pertaining to the operation or interest of the family council.

(e) Staff or visitors may attend family council meetings, at the group’s invitation.

(f) The facility shall provide a designated staff person who shall be responsible for providing assistance and responding to written requests that result from family council meetings.

(g) The facility shall consider the views and act upon the grievances and recommendations of a family council concerning proposed policy and operational decisions affecting resident care and life in the facility.

(h) The facility shall respond in writing to written requests or concerns of the family council, within 10 working days.

(i) When a family council exists, the facility shall include notice of the family council meetings in at least a quarterly mailing, and shall inform family members or representatives of new residents who are identified on the admissions agreement, during the admissions process, or in the resident’s records, of the existence of the family council. The notice shall include the time, place, and date of meetings, and the person to contact regarding involvement in the family council.

(j) No facility shall willfully interfere with the formation, maintenance, or promotion of a family council. For the purposes of this subdivision, willful interference shall include, but not be limited to, discrimination or retaliation in any way against an individual as a result of his or her participation in a family council, or the willful scheduling of facility events in conflict with a previously scheduled family council meeting.

(k) (1) Violation of the provisions of this section shall constitute a violation of the residents’ rights.

(2) Violation of the provisions of this section shall constitute a class “B” violation, as defined in Section 1424.